

Atty Dkt No. 0235.06
USSN: 10/626,896
PATENT

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CYGNUS, INC.
400 Penobscot Drive
Redwood City, CA 94063
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Date: Tuesday, July 13, 2004
To: Commissioner for Patents
United States Patent and Trademark Office
Facsimile No. 1-703-872-9306
From: Gary R. Fabian *Gary R. Fabian 7/13/04*
Re: Serial No. 10/626,896 (Our Ref. 0235.06)
Message: See attached Response to Notice of Non-Compliant Amendment,
Copy of Return Receipt Postcard, Copy of Transmittal Letter, and Copy of Second
Preliminary Amendment, including a complete listing of claims.

**THE ATTACHED DOCUMENTS ARE TO BE
MADE OF OFFICIAL RECORD**

Total number of pages, including this cover sheet: 21

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I hereby certify that this correspondence is being facsimile transmitted to the Commissioner
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indicated.

Cygnus Docket 0235.06
Serial No. 10/626,896
PATENT

Signature Gary R. Fabrizio Date of Transmittal 13 July 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
In Re Application of: Dunn, T.C., et al.	
Serial No.: 10/626,896	Art Unit: 1641
Filing Date: 24 July 2003	Examiner: C. Chin
Title: METHOD AND DEVICE FOR PREDICTING PHYSIOLOGICAL VALUES	

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

This Response is to the "Notice of Non-Compliant Amendment (37 C.F.R. 1.121)" mailed from the USPTO on 29 June 2004. In the Notice, the Legal Instruments Examiner (LIE) indicated that a complete listing of the claims was not present in the Second Preliminary Amendment.

On 12 July 2004 the undersigned called the LIE to point out that the complete listing of the claims was present in the Second Preliminary Amendment and that it followed the signature page in the section titled "AMENDMENTS TO THE CLAIMS (including complete listing of the claims)." The undersigned has not heard back from the LIE. Accordingly, a copy of the Second Preliminary Amendment as originally presented accompanies this Response. The section "AMENDMENTS TO THE CLAIMS (including complete listing of the claims)" begins on a page 6 and continues through page 15 of the amendment. Also accompanying this Response is a copy of the return-receipt postcard and transmittal letter that accompanied the Second Preliminary Amendment.

An Information Disclosure Statement was also submitted with the Second Preliminary Amendment, as well as a form 1449 and copies of the five non-patent references cited therein. The Information Disclosure Statement, 1449, and references have NOT been

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resubmitted and are considered to already be part of the application file.

Accordingly, accompanying this Response are the following:

- a copy of the return-receipt postcard;
- a copy of the transmittal letter; and
- a copy of the Second Preliminary Amendment, including a complete listing of the claims.

If there are any questions regarding this amendment, the Examiner is requested to contact the undersigned at (650) 599-3526.

Respectfully submitted,

Date:

13 July 2004

By:

Gary R. Fabian

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